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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,192	08/18/2000	Steven G. LeMay	IGT1P031	6816

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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/642,192	LEMAY ET AL.
	Examiner Steven Ashburn	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 11 October 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-48 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-48 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

  
MARK SAGER

PRIMARY EXAMINER

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

***DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

Claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41, 42 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by *Walker*, U.S. Patent 6,113,492 (Sep. 5, 2000).

In regards to claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41, 42 and 44, this holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

In regards top claims 45 and 46, *Walker* additionally teaches the gaming machine is capable of providing player-tracking services without a separate player-tracking unit. *See col. 5:27-33*. The examiner interprets the player-tracking units to be devices such as card readers.

***Claim Rejections - 35 USC § 103***

Claims 5, 8, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Acres*, U.S. Patent 6,317,852 (Apr. 16, 2002) (hereinafter “*Acres '832*”).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Claims 9, 10 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Lichtman*, U.S. 5,819,107 (Oct. 6, 1998).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Boushy*, U.S. Patent 6,183,362 (Feb. 6, 2001).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Claims 17, 21, 22, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Acres*, U.S. Patent 5,702,304 (Dec. 30, 1997) (hereinafter "*Acres '304*")

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Claims 19, 47 and 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker*.

In regards to claim 19, this holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

In regards to claims 47 and 48, *Walker* describes providing player tracking using two or more devices including display, keypad, card reader *See fig. 1; col. 5:6-19*. However, it does not describe a touch screen, microphone, wireless communication interface, or bar code reader. Regardless, these input devices are well known interfaces for interactive devices to receive data from a user. Consequently, it would have been obvious to an artisan at the time of the invention to modify the gaming device described by *Walker* to add the features of inputting player tracking data through touch screen, microphone, wireless communication interface, bar code reader, or combination thereof to tailor the user inputs devices to meet the needs and tastes of different users and operators and thereby increase the utility of the device.

Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Pease*, U.S. Patent 5,766,076 (Jun. 16, 1998) and *Kelly*, U.S. Patent 6,293,865 (Sep. 25, 2001).

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

#### ***Response to Arguments***

Applicant's arguments filed October 11, 2002 have been fully considered but they are not persuasive.

The Applicant contends that the claimed invention distinguishes over the prior art because *Walker* does not teach or suggest a player tracking means directly controlled or operated by the central processor of a gaming device. Instead, the Applicant sets forth his opinion of what defines the "traditional method" player tracking in gaming devices and asserts that *Walker* follows this "traditional method". The examiner respectfully disagrees.

*Walker* clearly describes a gaming system in which a central game processor has direct control of player tracking devices and other peripherals. *See fig. 1; col. 5:6-33, 13:19-26*. The examiner finds no support for the assertion that that the *Walker* follows what the Applicant defines as the "traditional method" where a player-tracking controller controls the player tracking devices. Instead, *Walker* describes a central processor mounted within a gaming device housing wherein the processor is configured to control games played on a gaming machine and directly control operating features of a plurality of physical game deices in response to player tracking events. *See fig. 1, II*. *Walker* explicitly states that the player tracking card reader device is connected to the CPU. *See fig. 1; col. 5:13-15*. Furthermore, it states that the player tracking card reader reads a player-tracking card and communicates the information to the CPU. *See col. 13:19-26*. Thus, the examiner maintains that *Walker* teaches player-tracking means directly controlled by the central processor of a gaming device

Consequently, for the reasons given above, the examiner finds the Applicant's arguments with respect to claims 1-48 unpersuasive.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.



MARK SAGER  
PRIMARY EXAMINER

S.A.  
December 29, 2002